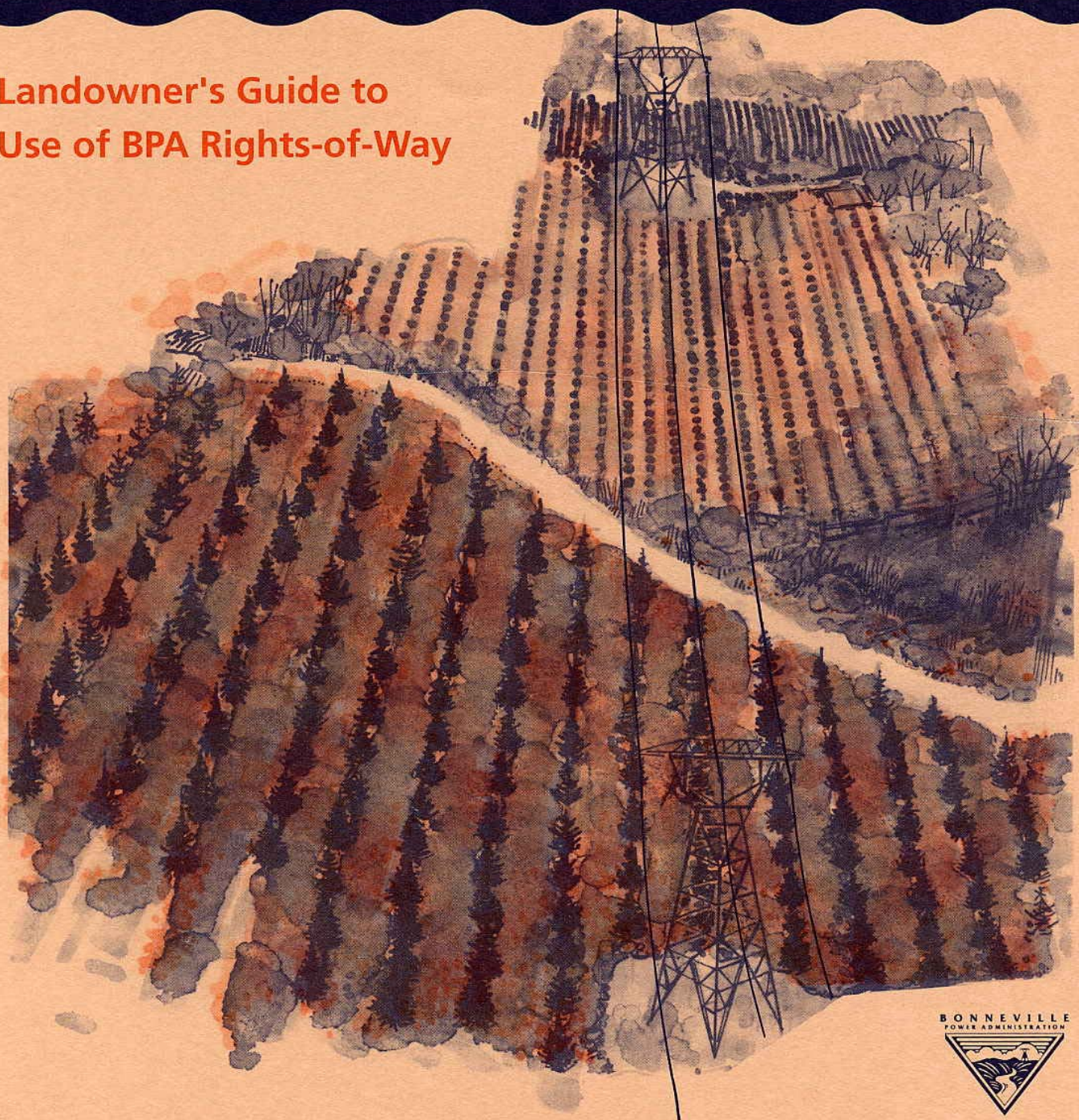


Landowner's Guide to Use of BPA Rights-of-Way



This brochure tells you what rights the Bonneville Power Administration has when it buys an easement or a piece of land for transmission facilities. The information in this brochure focuses on activities after BPA facilities have been constructed. We also tell you what you may or may not be able to do on BPA rights-of-way and on BPA-owned land. Finally, we include instructions on how to arrange with us to use the land for various purposes.

Introduction

Generally, BPA builds transmission lines, substations and other facilities for two reasons: to bring new power to meet the needs of people of the Northwest, and to ensure that present consumers continue to have a reliable supply of electricity. When we build these facilities, we need certain rights for use of the land we cross. Sometimes we buy the land outright, and we become the fee owners. More often, we buy the rights to use the land in specific ways. This is called an easement for our "right-of-way." In this case, the landowner retains title to the land itself.¹

Since transmission facilities rarely use up all the space on the right-of-way, the land — even land we own in fee² — can sometimes be available for other compatible uses.

You may grow a variety of crops on the right-of-way. If you make arrangements with us, other uses of the right-of-way are also possible. For instance, you may wish to build fences or roads on the land, or install water pipes. We want to help you carry out your plans in ways that are safe and satisfactory for us both.

¹To learn more about how we arrange with you for the purchase of those rights, please ask for a copy of "The Landowner's Guide to BPA Projects: Before and During Construction."

²A special section on uses of BPA fee-owned land appears later in this brochure. See the section on "Who is Responsible for What" for new restrictions on the use of BPA fee-owned land.

³For more information on controlling vegetation on the right-of-way, please ask for a copy of "Landowner's Guide to Trees and Transmission Lines."

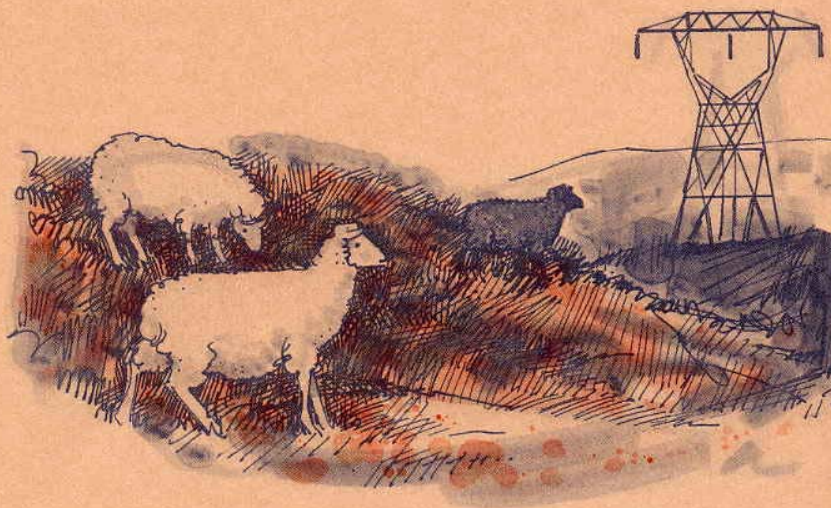
BPA's Land Rights

When we purchase an easement, part of our purchase includes access to our right-of-way and to the transmission facilities on them so the facilities may be maintained and operated safely and efficiently. Some of those rights include entry to build, maintain and improve the facilities, as well as to remove towers or poles.

We also must be able to keep the right-of-way clear of structures, trees, brush or other vegetation. With special restrictions, however, we can authorize orchards and the growing of such crops as Christmas trees and hops. We must also be able to control any fire hazards. Uses of land that conflict with these needs — "encroachments" — are not permitted. Even when no transmission line has been constructed on the easement area, BPA rights are maintained for future use.

We also must identify and arrange to cut trees that, although outside the right-of-way, may threaten the line because they may grow tall enough to fall into the conductor (wires), and are unstable, diseased or already leaning toward the right-of-way. Safe clearance distances between any part of a falling tree and the line can be as great as 30 feet. We will arrange to remove these trees.

Sometimes we find that a right-of-way is no longer needed. Then we can return the easement rights to you at a reasonable price.



What Can Be Done on the Right-of-way

Two main concerns govern what can be done on the right-of-way. First, as we explained, BPA must be able to build and maintain its facilities safely and effectively. Our other concern is that the public use the right-of-way safely.

With this in mind, here are some things you can do on the right-of-way. You may grow crops or graze livestock. However, care must be taken when operating farm equipment around the poles or steel towers.[†] If you plan to grow a crop that requires tall trellises or permanent supports, please contact us first, to ensure that safe distances are maintained between your supports and our wires. You may apply to us for many other right-of-way uses, too, so long as they do not threaten the safe operation of the line or our access to the line. Here are some sample uses:

Low shrubs and trees (including Christmas trees). Trees may interfere with the towers, lines or access, so usually we don't allow trees on the right-of-way. However, we can allow Christmas, ornamental and orchard trees to grow to a limited height. We will enter into a special written agreement to allow you to grow Christmas or orchard trees. Once agreement is established, you must control tree height and access. (See "Who is Responsible for What" in this pamphlet.)

Fences and irrigation devices. Any fence or irrigation pipe or irrigation pivot must be at least 50 feet from the base of a steel tower or 25 feet from the wood poles or guy wires of a wood structure. Any exceptions require special studies. In addition fences must have 16-foot wide gates to allow BPA maintenance crews access to BPA structures.

Septic and drainage systems. Pipelines must be buried at least 24 inches deep to protect them from surface disturbance and from accidental damage by our heavy maintenance trucks. In the case of drainfields, the pipe can be shallower, but the drainfields must be marked so that BPA crews don't drive over them. These pipelines should be at least 50 feet from the base of any steel structure and 25 feet from any wood pole structure or guy wire. Any exceptions require special studies.

[†]Safe operation of farm equipment near a transmission line is covered in the BPA brochure, "Living and Working Around High-Voltage Power Lines." For a copy, contact one of the offices listed at the end of this brochure.



Roads. Roads should be at least 25 feet from poles and guy wires and 50 feet from steel tower legs.

Buried electric and communication lines. These lines should be buried at least 30 inches deep, at least 25 feet away from poles and guy wires, and 50 feet from the legs of steel towers. Any exceptions require special studies.

Some other BPA requirements may also apply to your specific location. We will check on those for you when you apply to use the land. If your project can't meet these specifications, we may be able to modify our transmission facilities. However, you must be willing to pay for the modifications.



Who Can Use the Access Roads

BPA builds roads to give its maintenance crews access to structures and the right-of-way. Where they cross your land, you may use these roads as well. However, if you wish to use a BPA access road that crosses someone else's land, you must get the owner's permission, as well as ours. When roads are used jointly with BPA, we sometimes ask that you share maintenance costs with us.

What Can't Be Done on the Right-of-way

We do not permit any uses which might interfere with operating and maintaining our facilities. You may not place any structures or buildings on the right-of-way. You also may not store or transfer any flammable material, such as gas or oil, because of fire hazards and safety problems. These restrictions are part of the legal rights BPA acquires for rights-of-way.

Who Is Responsible for What

We need to be able to carry out our job safely. If your proposed use will interfere with our work to locate, construct, operate, maintain or repair our facilities — now or in the future — we will prohibit that use.

We are also concerned about other uses of the right-of-way that might not be safe for you or other people. If we discover any hazards like this, we will try to let you know.

For instance, questions have been raised about whether the electric and magnetic fields produced by all electrical wires may affect human health. No cause-and-effect relationship has been established. And the subject is very uncertain. It will be some years before there is enough scientific evidence to know for sure what effects there may be, if any.⁵

But we want to take a prudent approach to this issue. Until we know more about EMF, we will prohibit any new “people-intensive” activity on land we own. This means no new or expanded parks, softball fields, trails or commercial uses. On land where we have an easement, we can’t always prohibit the development (unless it includes building structures or interferes with the operation of our facilities). But we will make information available on the EMF controversy.

BPA is responsible for damages caused by our negligence.⁶ Any other damage or losses that follow from your use of the area, including damage or losses to our facilities, are your responsibility.

Finally, trees and brush must be controlled on the right-of-way, either by you or by BPA. If we control trees and brush, you are relieved of the responsibility. If you control them, you have more control over the methods used and will have BPA personnel on your property less frequently. If you wish to control trees and brush, we will arrange an agreement that defines your responsibilities and ours. If you do not follow the terms of the agreement, or you

terminate the agreement and we have to do extra work to have a good, cleared right-of-way, you may be charged.

Available Uses of BPA-owned Land

So far, we have focused on land for which BPA has right-of-way easements. You may also apply to use land that BPA owns. Three transactions are possible.

Easements. You may apply for a grant of perpetual use for permanent uses (e.g., road crossings or pipelines), if your use does not interfere with our needs. A charge, based on current market value, is made for this easement.

Leases. You may apply to lease land, primarily for agricultural uses, on occupied or vacant property. Leases are granted by competitive bidding or direct negotiations, usually for a specified term.

Disposal. You may buy property BPA no longer needs. Sale is usually by competitive bid.



⁵If you would like to know more about EMF and the current state of research, please ask for “What We Know (And Don’t Know) About EMF or Electric Power Lines: Questions and Answers on Research into Health Effects.”

⁶But only for those caused by negligence. This limited liability is specified in the Federal Tort Claims Act 62 Stat. 982.